

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

11/18/20

United States of America

v.

DESMOND HILL

Case No. 3:20MJ533

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST. DIV. DAYTON*Defendant(s)*

## CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/12/2020 in the county of Montgomery in the  
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. s. 922(g)(1)&amp;924(a)(2) felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Robert Buzzard

☒ Continued on the attached sheet.Robert M. Buzzard  
*Complainant's signature*Robert Buzzard, SA of the FBI  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 11/18/20

City and state: Dayton, Ohio

Sharon L. Ovington, US Magistrate Judge  
*Printed name and title*

## **SUPPORTING AFFIDAVIT**

Your Affiant, Robert M. Buzzard, being duly sworn, does hereby depose and state as follows:

### **INTRODUCTION**

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so employed since January of 2002. I am currently assigned to the Cincinnati Division, Dayton Resident Agency. As such, I am charged with investigating crimes against the United States of America, including but not limited to violations of Title 18 and Title 21 of the United States Code (U.S.C.). I have received training in drug trafficking investigations and participated in numerous narcotics-related investigations (ultimately leading to successful prosecution) that involved surveillance, the execution of search warrants, gathering evidence of money laundering, interviewing suspected drug traffickers, and supervising the activities of informants who provided information and assistance which resulted in the seizure of narcotics. I am familiar with federal drug laws, and aware that it is a violation of Title 21, U.S.C., Sections 841(a)(1) and 846 to distribute and possess with intent to distribute controlled substances, as well as to conspire to do the same. Further, I am aware of federal firearm laws and know that possessing firearms in furtherance of a drug trafficking crime is a violation of Title 18, U.S.C., Sections 924(c)(1)(A) and 2 and possessing a firearm by a convicted felon is a violation of Title 18 U.S.C. Sections 922(g)(1).

### **PURPOSE OF AFFIDAVIT**

2. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of an arrest warrant against DESMOND LEE HILL for possession of a firearm by a convicted felon in violation of Title 18, U.S.C., Sections 922(g)(1). The information contained in this Affidavit is largely based upon an investigation conducted by myself and other law enforcement officers. I have not included in this Affidavit all the facts known to me, but only that

information sufficient to establish probable cause to believe that on November 12, 2020 (in the Southern District of Ohio), HILL committed a violation of Title 18, U.S.C., Sections 922(g)(1), that being possession of a firearm by a convicted felon.

**SUMMARY OF PROBABLE CAUSE**

3. In the early morning hours of November 12, 2020, Dayton Patrol Officers Bradon Halley and Jacob Hemmelgarn were riding together in a marked police cruiser when they observed two vehicles run the red light at the intersection of Wayne Avenue and Phillips Avenue in the City of Dayton. The vehicles appeared to be following/chasing each other and turned into the parking lot of the Dayton Police Department Second District Headquarters at 2721 Wayne Avenue. Officers Halley and Hemmelgarn know from their training and experience that people in need of help sometimes drive to police departments to contact police officers.

4. Officers Halley and Hemmelgarn pulled behind the vehicles in the parking lot and activated their emergency lights to initiate a traffic stop. They first approached the second (chasing) vehicle and contacted the driver and sole occupant DESMOND HILL. While questioning HILL about what was going on, Officer Halley heard the sound of a handgun fall against the driver's door and land on the floorboard. Officer Halley requested HILL exit the vehicle where he was detained for officer safety. Officer Halley observed a Hi-Point 9mm semi-automatic handgun on the floorboard where he heard it fall. The handgun was loaded with 9mm ammunition and was reported stolen out of Rockford, Illinois.

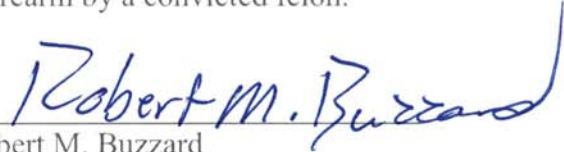
5. Officer Halley advised HILL of his Miranda rights and HILL agreed to answer questions without an attorney present. Thereafter, HILL admitted the handgun was his and that he purchased it "off the streets."

6. I am familiar with HILL from a prior FBI investigation and know HILL is a convicted felon and prohibited from possessing firearms. Specifically, HILL was convicted in Montgomery County Ohio Common Pleas Court (Case number 2006CR02973) for Felonious Assault with a Deadly Weapon. HILL was sentenced to a total of five years incarceration which included two years for the Felonious Assault with a Deadly Weapon plus a three-year gun specification. HILL was also convicted in Montgomery County Ohio Common Pleas Court for the following felony cases: Case number 2004CR3945 for Grand Theft of Motor Vehicle, case number 2014CR03468 for Attempted Possession of Heroin, and case number 2018CR02138 for Possession of Cocaine.

7. I am aware based on my training and experience that Hi-Point firearms are manufactured in Ohio, however, the Hi-Point 9mm handgun possessed by HILL on November 12, 2020 was reported stolen out of Rockford, Illinois and thus moved in interstate commerce to reach Ohio.

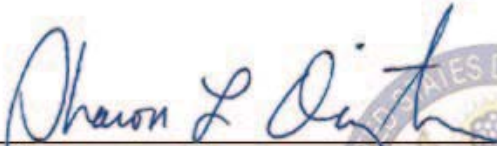
CONCLUSION

8. Based on the facts set forth in the Affidavit, there is probable cause to believe that on November 12, 2020 (in the Southern District of Ohio), HILL committed a violation of Title 18, U.S.C., Sections 922(g)(1), that being possession of a firearm by a convicted felon.



Robert M. Buzzard  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this 18th day of November, 2020.



Sharon L. Ovington  
United States Magistrate Judge

